

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-18984 - APPLICANT/OWNER: SPANISH VILLAS AT SAHARA, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review SDR-18693 shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow a 10 foot front yard setback where 20 feet is the minimum setback required on 7.68 acres at 3100-3190 West Sahara Avenue.

A related Site Development Plan Review (SDR-18693) for a four-story, 42,000 square-foot office building, with a 2,450 square-foot restaurant with drive-through, a 44,992 square-foot retail/office building and waivers to allow perimeter landscape buffer widths of zero feet along the east property line; two feet along the south property line; six feet along the west property line where 15 feet is the minimum required and to allow interior landscape buffer widths of two feet where eight feet is the minimum required along the north property line on 7.68 acres at 3100-3190 West Sahara Avenue.

The request does not meet the criteria for the approval of variances, as the hardship is self-created and the applicant could revise the development to comply with the setback standards.

BACKGROUND INFORMATION

<i>Pre-Application Meeting</i>	
11/28/06	The Residential Adjacency Standards, landscaping standards, handicap parking requirements, and setback issues were discussed.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this application.

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/26/73	The Board of City Commissioners approved a Rezoning (Z-0066-73) application for the reclassification of property generally located between West Oakey Boulevard on the north, West Sahara Avenue on the south, South Valley View Boulevard on the west, and Richfield Boulevard on the east, south of Westwood Village Tract and west of Springhurst Townhouses, from R-1 (Single-Family Residential) and R 3 (Medium Density Residential) to R-PD6 (Residential Planned Development - 6 Units Per Acre), R-4 (High Density Residential) and C-1 (Limited Commercial). The Planning Commission and staff recommended approval.
09/27/84	The Board of Zoning Adjustment approved a Variance (V-0099-84) to allow auto sales for one day only in the months of February, May, August and November of every year where such is not permitted on property located at 3100 West Sahara Avenue. Staff recommended denial.

12/02/04	The Planning Commission accepted a request to Withdraw Without Prejudice a Special Use Permit (SUP-5471) for a Facility to provide testing, treatment, or counseling for drug or alcohol abuse at 3150 West Sahara Boulevard Avenue, Suite #B22. Staff recommended approval.
12/02/04	The Planning Commission accepted a request to Withdraw Without Prejudice a Special Use Permit (SUP-5472) for a Sex Offender Counseling Facility at 3150 West Sahara Boulevard Avenue, Suite #B22. Staff recommended approval.
01/27/05	The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a Special Use Permit (SUP-5783) and Site Development Plan Review (SDR-5779) for a proposed Mixed-Use Development on the properties located at the northwest corner of Sahara Avenue and Richfield Boulevard.
06/01/05	The City Council approved requests for a Special Use Permit (SUP-6219) and for a Site Development Plan Review (SDR-6220) for a seven-story mixed-use development including 303 residential units and 20,250 square-feet of office, and a waiver of the 15-foot rear yard setback. The Planning Commission recommended approval on 04/14/05. Staff had recommended approval.
10/19/05	The City Council approved a request for a Major Amendment to an approved Site Development Plan Review (SDR-8583) for a seven-story mixed-use development, consisting of 325 residential units and 23,695 square feet of office space and a waiver to permit a side yard setback of zero feet where 10 feet is the minimum setback required on 7.78 acres adjacent to the north side of Sahara Boulevard, between Spanish Oaks Drive and Richfield Boulevard.
02/22/07	The Planning Commission voted to hold this item in abeyance in an effort to allow the applicant an opportunity to meet with the neighbors and staff to resolve issues related to the site.
03/22/07	The Planning Commission voted to hold this item in abeyance in an effort to allow staff an adequate amount of time to review the revised site plans.
04/12/07	<p>The Planning Commission recommended approval of companion item SDR-18693 concurrently with this application.</p> <p>The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #34/ar).</p>

STANDARDS	PROVIDED	COMPLIANCE
Min. Setbacks		
• Front	20 Feet	Y
• Side	N/A	N/A
• Corner	15 Feet	Y
• Rear	Zero Feet	N
Max Building Height*	90 Feet	Y
Max. Lot Coverage	32.54 %	Y

The site is located within a portion of the Airport Overlay District where building height is limited to a maximum of 200 feet. The new building has a height of 74 feet 3 inches and complies with this standard.

ANALYSIS

This site is located on the north side of Sahara Avenue, between Richfield Boulevard and Spanish Oaks Drive. Because Richfield Boulevard has the least amount of street frontage, per Title 19.20 the Richfield Boulevard property line is the front of this lot. Staff also notes that a variance from Title 19.08.030 C (building height along streets classified as a collector or larger) would be required if Sahara Avenue were to be considered as the front of the lot.

The scope of this project will include the demolition of an existing structure (the former Jose Hog's restaurant) located in the southwest corner of the site and will provide for the construction of a 42,000 square foot, four story office building. This building will be located 10 feet away from the front (Spanish Oaks Drive) property line where a minimum setback of 20 feet is required. Because the site plan could be revised so as to allow compliance with the setback requirements, staff is recommending denial of this variance and of the related Site Development Plan Review application (SDR-18693).

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by designing a project that does not comply with the setback requirements of the zoning code. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 373 by City Clerk

APPROVALS 0

PROTESTS 2